

# UNITED STATES DISTRICT COURT

for the  
SDTX Houston Division

Ali Mousavi

*Petitioner*

v.

GEO Group, Inc., MPC, Warden of GEO, Randy  
Tate, Patrick Lechleitner, Merrick B. Garland,  
Alejandro N. Mayorkas, Daniel A. Bibel

*Respondent*

(name of warden or authorized person having custody of petitioner)

Case No. 4:24-cv-01775  
(Supplied by Clerk of Court)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

### Personal Information

1. (a) Your full name: Ali Mousavi  
(b) Other names you have used: NONE
2. Place of confinement:  
(a) Name of institution: GEO Group, Inc. Montgomery Processing Center  
(b) Address: 806 Hilbig Road Conroe, Texas 77301  
(c) Your identification number: A # 200932928
3. Are you currently being held on orders by:  
☒ Federal authorities      ☐ State authorities      ☐ Other - explain:  
ICE Enforcement and Removal Operations
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☒ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
- ☒ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: ICE Houston Field Offices, Immigration Court Conroe  
Montgomery County Processing Center, TX.

(b) Docket number, case number, or opinion number: A # 057923594

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Lack of jurisdiction to entertain a bond by the Immigration Judge pursuant as INA Section 237 (a) (4). ICE did not provide any objective evidence that alien has actively engaged in any activity contrary to the national interest, safety or security of the US after he lawfully entered the US while his adjustment application is pending.

(d) Date of the decision or action: 04/16/2024

### Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: I filed a Motion for Bond with the Immigration Court in Conroe, TX detained ICE facility (Montgomery County Processing Center) Conroe, TX and reconsider.

(2) Date of filing: 04/16/2024

(3) Docket number, case number, or opinion number: A # 200932928

(4) Result: Immigration Judge ruled the lacks jurisdiction for a bond hearing.

(5) Date of result: 04/16/2024

(6) Issues raised: Seek bond from Immigration Judge. ICE alleges that I am member of a Terror organization, having previously been conscripted under duress into the IRGC from 2003-2004. I have lived in the US since 01/17/2012 uneventfully and the government has not provided any objective evidence that I have acted against the safety or wellbeing of the US. I am married to a USC and we have 3 USC children. I have a pending green card application and have no criminal history. ICE did not detain me for the last 12 years and now suddenly they argue I am mandatorily detainable under INA Sec.237 (a)(4) and the Immigration Judge has no jurisdiction to entertain my bond request. I am not a flight risk.

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If “Yes,” provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered “No,” explain why you did not file a second appeal: \_\_\_\_\_

\_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If “Yes,” provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered “No,” explain why you did not file a third appeal: \_\_\_\_\_

\_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If “Yes,” answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

If “Yes,” provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If “Yes,” provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Not Applicable in my case/situation

# 11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If “Yes,” provide:

- (a) Date you were taken into immigration custody: 04/03/2024
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

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(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

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## 12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_

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### Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** I am not a flight risk or danger to the community. I have not engaged in any activity since I legally entered the US against the welfare and safety of the US. I have never been a member of a Terrorist Organization. I was a forced conscript and worked as a photographer in the Sepah organization as part of my mandatory military basic training and conscription 20 years ago. I am not a member of a terrorist organization.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

15. The government has not produced any evidence that the Respondent is a flight risk, or threat to the nation. A person must be a current member, past membership is not a basis for inadmissibility. However, if a past member, current membership may be inferred absent a contrary showing, see Cable DOS, 97 State-1918 (Oct. 9, 1997), reprinted in 75 No. 8 Interpreter Releases 294, 295-300 (Mar. 2, 1998). Termination may be shown by changes in a person's attitude, actions, associations and activities over time. A single event "such as a self-ser

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

**GROUND TWO:** Petitioner has now been detained for over 1 month. The general detention statutes at 8 U.S.C. §§ 1225 and 1226 do not authorize his prolonged detention without a right to release, or at a minimum a custody redetermination hearing before the immigration judge or humanitarian parole by US ICE to be released on my own recognizance as I am not a flight risk or danger to community.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Not a flight risk. Not a danger to the community. Relief available under the INA. I have no criminal record and I do not pose a flight risk, danger to the safety and wellbeing of the US and should allow of release on my own recognizance or with an ankle bracelet to ensure future court compliance. All my family is here USC spouse and 3 kids. The alien can demonstrate by clear and convincing evidence that the alien was not a member of a Terror Org. IRGC at the time of his mandatory conscription military service 20 years ago. No adverse behavior since in US.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

**GROUND THREE:** Petitioner has now been detained for 5 weeks. The regulation at 8 C.F.R. § 1003.19(h)(1)(B) violates Due Process as applied to Petitioner to the extent that it authorizes his prolonged detention without a right to a bond redetermination hearing before an immigration judge or US ICE for humanitarian Parole and release on my own recognizance while awaiting my court proceedings in immigration court.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

US ICE ERO have been unreasonable in their decision to detain alien 12 years after he entered albeit it no adverse criminal or any acts or behavior. Has pending Green Card application through USC wife. Never exhibited any behavior contrary to the national interest, safety and wellbeing. Alien is not a flight risk. At the time of his military service in the IRGC, said org was not classified as a "terror group." Moreover, alien as per the statute must also act in furtherance of said terror org subsequent to entry into the US which he never has, no scintilla of evidence.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

**GROUND FOUR:** Petitioner has now been detained for 5 weeks. His ongoing detention, and the significant abuse of the government in detaining him without the possibility of a bond for his failure to comply with multiple overtures to become an FBI informant as being against his moral compass is a violation of due process. The gov't has not proven that he has "engaged in terrorist activity." INA237(a)(4) is a 2 prong statute.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The detainee was a conscript of the IRGC for his mandatory military service from 9/2/23 to 9/11/2004. He has never engaged in any illegal, nefarious, or terrorist activity either prior to or since arriving lawfully in the US on his K-1 Fiancee visa on 01/17/2012. He is not mandatorily detainable as per INA 236(c). The certification that he is mandatorily detainable may only be made by the US AG or Deputy and is not delegable. Section 237(a)(4)(A)(i) of the INA renders deportable any alien who has engaged in or who engages in after admission "any activity to violate any law of the United States relating to espionage or sabotage or to violate or evade any law.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A

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### Request for Relief

15. State exactly what you want the court to do: ICE has to release me on my own recognizance or ankle monitor and forthwith while my case is set for trial for my immigration relief applications. I am not a flight risk or danger to the community. I have lived here for the last 12 years. I own a house. My spouse and 3 minor children are US citizens. I have never been arrested. I have a pending green card application in the pipeline prior to my arrest on 04/03/2024 by ICE agents in front on my home.

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

N/A

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 05/13/2024

/S/ Ali Mousavi

*Signature of Petitioner*

/S/ Haroen Calehr

*Signature of Attorney or other authorized person, if any*